



## The Delhi Homoeopathic Act, 1956

Act 11 of 1956

**Keyword(s):**

Board, Homoeopathy, Inspector, Practitioner, Doctor

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**THE DELHI HOMOEOPATHIC ACT, 1956**  
**(ACT No. 11 OF 1956)**

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**THE SCHEDULE**

# THE DELHI HOMOEOPATHIC ACT, 1956

(ACT NO. 11 OF 1956)

[16th October, 1956]

An Act to provide for the registration of medical practitioners of the Homoeopathic system of medicine in the State of Delhi.

BE it enacted by the Delhi State Legislative Assembly in the Seventh Year of the Republic of India as follows:—

## PART I—PRELIMINARY

1. (1) This Act may be called the Delhi Homoeopathic Act, 1956. Short title, extent and commencement.

(2) It extends to the whole of the Union Territory of Delhi.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,— Interpretation.

(a) "Board" means the Board of Homoeopathic system of Medicine, Delhi, established under section 3;

(b) "Chairman" means the Chairman of the Board;

(c) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "Homoeopathic" shall be construed accordingly;

(d) "Inspector" means the Inspector appointed under section 30;

(e) "member" means a member of the Board;

(f) "practitioner" means a person who practices the Homoeopathic system of medicine as his principal occupation;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "register" means a register of practitioners prepared and maintained under this Act;

(i) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

<sup>1</sup>15th May, 1958, see Notification No. F. 32(10)/58-M&PH, dated the 2nd May, 1958, Delhi Adm. Gazette, dated 15th May, 1958, p. 226.

*(Part I—Preliminary—Part II—Establishment of Board)*

(j) "Registrar" means the Registrar appointed under section 21;

(k) "regulations" means regulations made under section 46;

(l) "State" means the '[Union territory of Delhi]'.<sup>1</sup>

(m) "State Government" means the Chief Commissioner, Delhi.

(2) The General Clauses Act, 1897 applies for the interpretation of this Act as it applies for the interpretation of a Central Act.<sup>2</sup>

## PART II—ESTABLISHMENT OF BOARD

Establishment of Board.

3. (1) The State Government may, as soon as may be, by a notification in the official Gazette establish a Board to be called, "The Board of Homoeopathic system of Medicine, Delhi". The Board shall be a body corporate, shall have perpetual succession and a common seal and may by the said name sue and be sued.

(2) The Board shall consist of nine members and shall be constituted in the following manner, namely:—

(a) six members, who have put in at least 10 years practice in Homoeopathy, elected by the registered practitioners from amongst themselves;

(b) one practitioner nominated by the State Government;

(c) one member from the public having interest in Homoeopathy nominated by the State Government; and

(d) the Director or an Assistant Director of Health Services, Delhi State, nominated by the State Government.

(3) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

Chairman and Vice-Chairman.

4. The State Government shall nominate any member of the Board as Chairman of the Board and the Vice-Chairman of the Board shall be elected by the Board from amongst its members.

<sup>1</sup>Subs. by A. O. (No. 5) 1957 for the words "State of Delhi".

<sup>2</sup>For establishment of the Board, see Notification No. F. 32(10)/58. M&PH (i), dated 12th May 1958, Delhi Adm. Gazette, dated 22nd May, 1958, p. 228.

(Part II—Establishment of Board)

5. The term of office of a member will be three years <sup>Term of office</sup> from the date of election or nomination as a member. The State Government may however from time to time, by notification in the official Gazette, extend this term by such period not exceeding two years in the aggregate as may be specified in the notification.

6. Notwithstanding anything contained in this Chapter, <sup>First Board</sup> the first Board shall be nominated by the State Government <sup>to be nominated by Government.</sup> and shall hold office for a period of three years from its constitution.

7. The Vice-Chairman or any member may at any time <sup>Resignation.</sup> resign his office by a letter addressed to the Chairman of the Board. The Chairman of the Board wishing to resign may forward his written resignation to the State Government.

8. If the Chairman or Vice-Chairman or a member of <sup>Filling of</sup> the Board dies or resigns or from any cause <sup>whatsoever</sup> ceases to be Chairman or Vice-Chairman or a member the <sup>casual vacancies in</sup> vacancy so created shall be filled by fresh nomination or <sup>the office of</sup> election, as the case may be, within such period as may be <sup>Chairman, Vice-</sup> prescribed and the person so nominated or elected shall <sup>Chairman</sup> hold office for the remainder of the term of the office of <sup>or a</sup> the Chairman, Vice-Chairman or member in whose place he <sup>member.</sup> has been so nominated or elected.

9. (1) If any member, during the period for which he <sup>Removal of</sup> has been nominated or elected— <sup>member.</sup>

(a) absents himself without sufficient cause from three consecutive ordinary meetings of the Board, or

(b) becomes subject to any of the disqualifications mentioned in section 10, or

(c) being a legal practitioner, appears in any suit or proceedings, civil or criminal, against the Board, or

(d) obtains any employment under the Board or has without the previous sanction of the State Government acquired directly or indirectly by himself or by a partner any share or interest in any contract with, by or on behalf of the Board, or

(e) has so flagrantly abused in any manner his position as much as to render his continuance detrimental to the interest of the Board.

the State Government may remove him from membership:

Provided that when the State Government proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the member concerned, and when such action is taken the reason therefor shall be placed on record.

*(Part II—Establishment of Board)*

(2) The decision of the State Government under this section shall not be questioned in any court of law.

**Disqualifica-  
tion for  
membership.**

**10. Any person—**

(a) who is an undischarged insolvent, or

(b) who has been adjudged to be of unsound mind by a competent court, or

(c) who has been convicted of an offence involving moral turpitude which in the opinion of the State Government renders him unfit to be a member of the Board, or

(d) whose name has been removed from the Register under section 26,

shall not be eligible for being elected or nominated, or for continuing to be a member of the Board.

**Duties of  
Chairman.**

**11. It shall be the duty of the Chairman—**

(a) unless provided otherwise by this Act or prevented by reasonable cause,

(i) to convene and preside over all meetings of the Board;

(ii) otherwise to control in accordance with any regulation to be made in this behalf, the transaction of business at all meetings of the Board;

(b) to superintend and control the financial and executive administration of the Board and bring to its notice any defect therein;

(c) to perform such other duties as are required or imposed on him by or under this Act, or rules framed thereunder.

**Delegation  
by Chair-  
man of  
his power  
and duties  
to the Vice-  
Chairman.**

**12. (1)** The Chairman may empower, by general or special order, the Vice-Chairman to exercise under his control any one or more of his powers, duties or functions.

**(2)** An order by the Chairman under sub-section (1) may prescribe any condition, and impose any restriction, in respect of the exercise of any power, the performance of any duty or the discharge of any function.

**(3)** In particular such order may prescribe the condition that any order by a Vice-Chairman in the exercise of a power conferred on him by sub-section (1) shall be liable to rescission or revision by the Chairman upon appeal to the Chairman within a specified time.

(Part II—Establishment of Board—Part III—Conduct of Business)

13. The Vice-Chairman shall—

Duties of Vice-Chairman.

(a) in the absence of the Chairman from a meeting of the Board and unless prevented by reasonable cause, preside, regulate the conduct of business, and maintain and enforce order at the meeting;

(b) during the vacancy in the office of Chairman or the incapacity or temporary absence of the Chairman, perform any other duty or power of the Chairman;

(c) at any time perform any duty and exercise, when occasion arises, any power delegated to him by the Chairman under section 12.

14. If the registered practitioners fail by such date as may be prescribed, to elect the requisite number of members or to fill up any vacancy, the State Government may fill up such vacancies or vacancy by nomination of persons or person qualified to be elected.

Nominations in default of election.

15. Every nomination or election of, or any vacancy in the office of, the Chairman, Vice-Chairman, or a member of the Board shall be notified in the Official Gazette.

Notification of elections, nominations and vacancies.

16. Members of the Board may be paid out of the funds of the Board such travelling and daily allowances, not exceeding those payable to grade I Government servants, as may be prescribed.

Payment of allowance to members.

Part III—Conduct of Business

17. The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner as may be provided for by regulations:

Meeting of the Board.

Provided that until such regulations are made, it shall be lawful for the Chairman to summon a meeting of the Board at such time and place as he may deem expedient by circulating notice to each member.

18. (1) Every meeting shall be presided over by the Chairman or in his absence by the Vice-Chairman.

Procedure at meetings of Board.

(2) If at a meeting neither the Chairman nor the Vice-Chairman is present, the members present shall elect one of the members present to be the chairman of the meeting and such chairman shall perform all the duties and may exercise all the powers of the Chairman of the Board when presiding at the meeting.

(3) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting.



*(Part III—Conduct of Business—Part IV—Staff and Medical Registration)*

(4) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

(5) In order to constitute a meeting of the Board the quorum shall be four.

**The minute book and resolutions.**

19. (1) The names of the members present and the proceedings held and resolutions passed at a meeting of the Board shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting, or the next ensuing meeting, and, after being passed as correct by the members (or a majority of them) present at the meeting, shall be certified as passed by the signature of the Chairman of the meeting at which they are passed.

(3) A copy of the proceedings of every meeting of the Board shall within 15 days from the date of the meeting be forwarded to the State Government, or any other authority appointed by it in this behalf.

**Validity of proceeding.**

20. (1) No vacancy in the Board shall vitiate any act or proceeding of the Board.

(2) No disqualification of, or defect in the election or nomination of, any person acting as a member of the Board or as the Chairman or Vice-Chairman or presiding authority at a meeting shall be deemed to vitiate any act or proceedings of the Board in which such person has taken part, if the majority of persons who took part in such act or proceedings were duly qualified.

#### PART IV.—STAFF AND MEDICAL REGISTRATION

**Registrar and other officer and servants of the Board.**

21. (1) The Board shall with the previous approval of the State Government appoint a Registrar who shall be the Secretary to the Board. The Registrar shall receive such salary and allowances and shall be governed by such conditions of service as may be prescribed. The Chairman may from time to time grant him leave and may temporarily appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) Any order of the Board appointing, punishing or removing the Registrar from his office shall be subject to the approval of the State Government.

(3) The Board may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act:

Provided that the number, designations, pay and allowances of such officers and servants shall be fixed under the regulations framed by the Board:

*(Part IV—Staff and Medical Registration)*

Provided further that the powers of the Board to punish, dismiss, discharge and remove any officer or servant of the Board shall be subject to rules and regulations.

(4) All questions of recruitment, promotions, leave, provident fund and other conditions of service relating to staff shall be governed by rules.

(5) The Registrar or any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

22. (1) The Board shall as soon as may be after the commencement of this Act, and from time to time as occasion may require make orders regulating the maintenance of a register of practitioners. Order by Board for maintenance of register.

(2) The register shall be kept in such form as may be prescribed.

23. (1) Subject to the provisions of this Act and subject to any general and special orders of the Board, it shall be the duty of the Registrar to keep the register and discharge such other functions as are required to be discharged by him under this Act or by the rules made thereunder. Duties of Registrar.

(2) The Registrar shall, so far as practicable, keep the register correct and up-to-date and may from time to time enter therein any material alteration in the addresses or qualifications of the practitioners. He shall also remove from the register the names of the registered practitioners who die or who under the provisions of this Act cease to be entitled to remain on the register.

(3) The State Government may direct that no alterations in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

(4) For the purpose of this section, the Registrar may write to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practice or has changed his residence and if no answer is received to the said letter within three months, the Registrar may issue a registered reminder, and in case no reply is received to the reminder within one month from the date of its issue, he may remove the name of the said practitioner from the register:

Provided that the Board may, if it thinks fit, direct that the name of the practitioner be re-entered in the register.

*(Part IV—Staff and Medical Registration)*

Person entitled to registration.

24. (1) Every person possessing the qualification mentioned in the schedule shall, subject to the provisions contained in the Act, and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Board may prescribe:

Provided that an application for entry in the register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit.

(2) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may, within ninety days of such registration or entry, appeal to the Board.

(3) Such appeal shall be heard and decided by the Board in the prescribed manner.

(4) The Board may, on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same cancel or alter any entry in the register if, in the opinion of the Board, such entry was fraudulently or incorrectly made or obtained.

Renewal fee.

25. (1) The State Government may, by notification in the Official Gazette, direct that for the retention of a name in the register after the name is first entered in the register, there shall be paid to the Board such renewal fee and for such period as may be prescribed and where such direction has been made, such renewal fee shall be due to be paid in the manner prescribed.

(2) Where a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:

Provided that a name so removed may be restored to the register on payment of such fees and in such manner as may be prescribed.

Removal of names from the register.

26. The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is in the opinion of the Board sufficient to make him unfit to practise his profession or who, after due enquiry has been found guilty of conduct which is in the opinion of the Board informed in any professional respect shall be removed from the register. The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the register.

*(Part IV—Staff and Medical Registration)*

27. The Board shall have power to call upon the governing body or authorities, of a medical corporation, examining body or other institution recognised or desirous of being recognised by the State Government—

Power of Board to call for information from medical institutions.

(a) to furnish such reports, returns or other information as the Board may require to enable it to judge the efficiency of the instructions given therein in homoeopathy; and

(b) to provide facilities to enable a member of the Board deputed by the Board in this behalf to be present at the examinations held by such medical corporation, examining body or institution.

28. (1) The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the Official Gazette and in such other manner as the Board may prescribe, a full or supplementary list of the names for the time being entered in the register and setting forth—

Publication of names entered in the register.

(a) all names entered in the register arranged in alphabetical order;

(b) the registered address and appointment held by or actual employment of each person whose name is entered in the register; and

(c) the registered titles, degrees and qualifications of each such person and the date on which each such title or degree was granted or qualification acquired.

Provided that the Registrar shall from time to time get published in the Official Gazette the names of such practitioners whose names have been duly removed under any of the provisions of this Act.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner;

*Explanation.*—In the case of a person whose name has been entered in the register after the last publication of the list, a certified copy signed by the Registrar, of the entry of the name of such person in the register shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

29. (1) The Board may by regulations lay down the qualifications required for admission to a course of training in the Homoeopathic system of medicine, the course of such training, and the qualifying examinations and may establish the necessary institutions to give such training and may hold such examinations and confer diplomas.

Examinations

*(Part IV—Staff and Medical Registration—Part V—  
Functions and Finances of the Board)*

(2) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the homoeopathic system of medicine and for the purpose of securing such a standard the Board shall have authority to call on the governing body or the authorities of any institution giving instruction in such system and authorised to hold a qualifying examination—

(a) to furnish such particulars as the Board may require of any course of study prescribed by regulations or of any examination held by such body or authorities or in such institution with reference to the grant of any qualifications, and

(b) to permit inspectors appointed by the Board to inspect the institution.

(3) The Board may form a standing syllabus and Examination Committee from amongst its members for conducting the business mentioned in sub-sections (1) and (2).

Appointment  
of Inspect-  
tors.

30. (1) The Board may appoint such number of inspectors as it may deem fit on such salary as the Board may, with the previous sanction of the State Government, determine.

(2) Such Inspectors shall in accordance with any general or special directions of the Board given from time to time inspect homoeopathic dispensaries, hospitals and the institutions affiliated to the Board, and shall report to the Board in regard to the course of study pursued and training imparted at every such institution and on any other matter with regard to which the Board may require them to report.

Grant and  
withdrawal  
of recogni-  
tion.

31. The Board may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the instructions imparted in such institution comes upto the standard require for such recognition and may at any time withdraw such recognition if in the opinion of the Board the institution is unable to impart instructions of the required standard.

**PART V—FUNCTIONS AND FINANCES OF THE BOARD**

Powers of  
the Board.

32. The Board shall have the power:—

(1) to recognise homoeopathic educational or instructional institutions for purposes of affiliation;

(2) to prescribe course of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Medical Science of homoeopathy as the Board may think fit;

*(Part V—Functions and Finances of the Board)*

(3) to hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in the educational institutions affiliated to the Board;

(4) to institute exhibitions and award medals thereat and also to grant scholarship and medals to those who obtain high position at the Board's examinations or are poor and deserving, and with the sanction of the State Government, to grant to students scholarships for special study in research and manufacture of homoeopathic medicine in any medical institution or a reputed firm that the Board may think fit, whether in India or abroad and to endow Chairs of Homoeopathy in institutions affiliated to the Board;

(5) to demand and receive from students such fees as may be prescribed for admission to the Board's examinations;

(6) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students;

(7) to appoint examiners and publish the results of the examinations held by it;

(8) to suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act, or rules framed thereunder:

Provided that no such action shall be taken without affording to Committee of Management of such an educational institution an opportunity of making such representation as it may deem fit;

(9) to establish or aid research institutions and to arrange for post-graduate study in the science of homoeopathy and to encourage scientific manufacture of homoeopathic medicine in the State;

(10) to publish homoeopathic journals; and

(11) to do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of the Act.

33. (1) The Board shall have prepared and laid before it at a meeting to be held in every year before such date, as may be fixed by rules in this behalf, a complete account of the actual and abstracted receipts and expenses. Budget.

*(Part V—Functions and Finances of the Board—Part VI—Privileges of Registered Practitioners)*

diture for the year ending on the 31st day of March next following such date together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and submit the budget for approval to the State Government or to such authority as the State Government may, by order direct.

(3) Subject to the like provisions, the Board may suggest variations or alterations in the budget, as circumstances may render desirable.

Revised  
budget.

34. As soon as may be after the first day of October, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under section 33.

Homoeopa-  
thic Fund.

35. There shall be established Homoeopathic Fund and there shall be placed to the credit thereof—

(a) grants and loans received from the State Government;

(b) all fees received by the Board;

(c) contributions received from any local authority or any Homoeopathic medical association; and

(d) all sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.

Custody  
and invest-  
ment of  
Homoeopa-  
thic Fund.

36. The Homoeopathic Fund shall be kept in the State Bank of India or with the previous sanction of the State Government, in any other bank.

#### PART VI—PRIVILEGES OF REGISTERED PRACTITIONERS

Qualified  
Practitioners  
Certificates.

37. Notwithstanding anything contained in any law for the time being in force—

(1) The expression 'legally qualified medical practitioner' or 'duly qualified medical practitioner' or any word importing a person recognised by law as a medical practitioner or member of medical profession, shall in all Acts extended to the '[Union territory of Delhi]' under the Delhi Laws Act, 1912, or the '[Union territories] (Laws) Act, 1950, or in all Acts of Legislature in the '[Union territory of Delhi]' and in all Acts of the Central Legislature, in their application to the '[Union territory of Delhi]', in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule to the Constitution of India, be deemed to include a registered practitioner.

\*Subs. by A.O. (No. 5) order 1957 for the words "State of Delhi".

\*Subs. by A.O. (No. 1) 1956 for the words "Part C State".

(Part VI—Privileges of Registered Practitioners—Part VII—Offences.)

(2) A certificate required by any Act or rule having the force of law from any medical practitioner or medical officer shall be valid, if such certificate has been granted by a registered practitioner.

(3) A registered practitioner shall be eligible to hold any appointment as a physician or other medical officer in any dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the Government or any local authority and treating patients according to the Homoeopathic system of medicine or any public establishment body or institution dealing with Homoeopathic system of medicine.

(4) Unless the Board otherwise directs a registered practitioner shall be entitled to—

(a) sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner;

(b) sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner;

(c) give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to medicine.

38. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898.

Exemption from serving on inquests.

PART VII—OFFENCES

39. (1) No person other than an association or institution recognised or authorised under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee, or recipient is qualified to practise the Homoeopathic system of medicine.

Conferring, granting or issuing diploma, licence etc. by unauthorized person or institution.

(2) Whoever contravenes the provisions of this section shall be punishable with imprisonment which may extend to one year or fine, which may extend to Rs. 1,000 (one thousand) or both.

40. Whoever falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by an association or institution recognised or authorised under this Act or that he is qualified to practise the Homoeopathic system of medicine under the provisions of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 (five hundred) or both for the first offence under

False assumption of certificate or diploma to be an offence.



*(Part VII—Offences—Part VIII—Miscellaneous)*

this section and to imprisonment which may extend to one year or a fine which may extend to Rs. 1,000 (one thousand) or both for every subsequent offence.

**PART VIII—MISCELLANEOUS**

Appeals to  
State Government  
from decision of  
Board.

41. (1) An appeal shall lie to the State Government from every decision of the Board under this Act, except a decision made by the Board as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of such order.

Bar to suit  
and other  
legal proceedings.

42. (1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act.

(2) No suit, prosecution or other legal proceedings shall lie against the Board or any member or any officer or servant of the Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

Control of  
Board by  
State Government.

43. (1) The State Government may give such directions to the Board as it may deem fit and the Board shall comply with all such directions.

(2) If at any time, it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the State Government may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Provided that it shall take steps within six months to constitute a new Board under the provisions of this Act.

Court competent to  
try offences under this  
Act and take cognizance of  
offences.

44. (1) No court other than the court of a Magistrate of the first class shall take cognizance of, or try an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

*(Part VIII—Miscellaneous)*

45. The State Government or the Board may delegate **Delegation** such of its powers and to such authority as the State Gov- of powers. ernment or the Board, as the case may be, deem necessary.

46. Subject to the provisions of this Act and the rules **Making of** framed by the State Government thereunder, the Board **Regulations** may with the previous approval of the State Government frame regulations for regulating the following matters, namely—

(1) (a) conditions on which a person may be under section 24 or an institution may be affiliated or recognised under section 29;

(b) the admission of students to the educational or instructional institutions affiliated to the Board;

(c) the conditions under which students shall be admitted to the degree or diploma or certificate course and to the examinations of the Board and shall be eligible for degrees, diplomas and certificates;

(d) the conditions of residence of the students in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence;

(e) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board;

(f) the fees to be charged, for courses of study in such institutions and for admission to the examinations, degrees, diplomas and certificates of the Board;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations:

Provided that in framing regulations the Board shall take into consideration the financial and other existing conditions of the institutions generally;

(2) (a) the time and place at which the meeting shall be held;

(b) the issue of notices convening such meeting;

(c) the conduct of business thereat;

(d) the salary, allowances and other conditions of service of officers and servants of the Board other than Registrar;

(e) all other matters which may be necessary for the purposes of carrying out the objects of this Act;

(3) All such regulations shall be published in the Official Gazette.

(4) The State Government may, by notification in the Official Gazette, cancel or modify any regulation.

*(Part VIII—Miscellaneous)***Rules.**

**47. (1)** The State Government may, from time to time, make rules<sup>1</sup> consistent with this Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality, of the foregoing power, the State Government may make rules for any of the following matters:—

(a) the time and place at which and the manner in which election shall be held under sub-section (3) of section 3;

(b) regulation of elections under this Act;

(c) the conduct and the maintenance of correct minutes of meetings of the Board;

(d) the manner in which vacancies shall be filled under section 8;

(e) the privileges, salary and allowances and other conditions of service of the Registrar;

(f) the accounts to be kept by the Board, the manner in which accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;

(g) the date before which a meeting shall be held for the sanction of the budget;

(h) the method and forms to be adopted in the preparation of budget;

(i) the returns, statements, and reports to be submitted by the Board;

(j) the form of the register of practitioners to be maintained under this Act and the classification of practitioners into two or more classes according to their qualifications;

(k) fees chargeable under this Act and their application;

(l) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 24;

(m) allowances payable to members of the Board and its chairman;

(n) the maintenance of a patient register by practitioner in the prescribed form;

(o) the furtherance of any objects of the Board as a teaching or examining body;

<sup>1</sup>For the Delhi Homoeopathic Rules, 1958, see Notification No. F. 32(67)/56-M&PH, dated the 15th May, 1958; Delhi Adm. Gazette, Part IV, dated 5th June, 1958, p. 263.

(p) delegation of power by State Government and by the Board; and

(q) the furtherance of any other objects of the Act.

(3) All such rules shall be published in the Official Gazette.

#### THE SCHEDULE

1. Homoeopaths who have passed the final examination held by the Board of Homoeopathic System of Medicine, Delhi.

2. Homoeopaths who have passed an examination from a Homoeopathic Institution in the State or outside it, provided that for purposes of registration such an institution is recognised by the State Government.

3. Homoeopaths who have been practising as such whole-time for the last 10 years at the time of the passing of the Act and are certified in the prescribed manner as fit persons for being registered as practitioners.

*Explanation.*—A person shall not be deemed to be practising Homoeopathy whole-time if he is a salaried servant (otherwise than as a Homoeopath) of the State Government, the Central Government, a local authority or a commercial or industrial undertaking or other establishment.

कोई अन्य अधिकारी राज्य सरकार द्वारा नामांकित किया जाए।

4. धारा 9 का संशोधन :—मूल अधिनियम की धारा 9 की क्लॉज (1) में खंड (क) में आए शब्द "तीन निरंतर साधारण बैठकें" के स्थान पर शब्द "पांच निरंतर साधारण बैठकें" प्रतिस्थापित किये जाएंगे।

5. धारा 24 का संशोधन :—मूल अधिनियम की धारा 24 में धारा (4) के परचातु निम्नलिखित नई उपधारा (5) शामिल की जाएगी :—

"(5) उपधारा (1) के अंतर्गत रजिस्ट्रार में अपना नाम दर्ज कराने के लिए आवेदन करने वाले किसी व्यक्ति को इस अधिनियम की शपथ-पत्र प्रस्तुत करना होगा कि उसने पंजीकरण करने के लिए किसी अन्य राज्य या संघ राज्य क्षेत्र में पंजीकरण के लिए आवेदन नहीं किया है और यदि उसका नाम किसी राज्य सरकार या किसी संघ राज्य क्षेत्र के पास किसी समय दर्ज था तो उस राज्य या संघ राज्य क्षेत्र जैसी भी स्थिति हो कि बोर्ड या किसी अन्य सक्षम प्राधिकरण द्वारा जारी निरसन प्रमाण पत्र भी अपने शपथ-पत्र के साथ प्रस्तुत करना होगा।

6. नई धारा 37(क) तथा (ख) जोड़ना :—मूल अधिनियम की धारा 37 के परचातु निम्नलिखित नई धाराएं 37(क) तथा (ख) जोड़ी जाएंगी अर्थात् :—

37 (क) केवल पंजीकृत व्यवसायी ही प्रैक्टिस कर सकता है :

1. किसी पंजीकृत चिकित्सा व्यवसायी के अतिरिक्त कोई भी व्यक्ति दिल्ली राष्ट्रीय राजधानी में होम्योपैथिक चिकित्सा प्रवृत्ति में प्रैक्टिस नहीं करेगा।
2. यदि किसी व्यक्ति का नाम रजिस्टर में कुछ समय के लिए दर्ज नहीं किया जाता है या गलत तरीके से प्रतिनिधित्व करता है— इस प्रकार दर्ज पंजीकृत व्यक्ति दोष सिद्ध होने पर दंडित किया जाएगा जिसका जुर्माना 1000 रुपये तक बढ़ाया जा सकता है।

37(ख). पंजीकरण प्रमाण का प्रदर्शन :—1. प्रत्येक पंजीकृत चिकित्सा व्यवसायी को निर्धारित प्रपत्र में पंजीकरण प्रमाण पत्र दिया जाएगा। पंजीकृत चिकित्सा व्यवसायी अपनी प्रैक्टिस से किसी प्रमुख स्थान पर पंजीकरण प्रमाण पत्र प्रदर्शित करेगा। और यदि उसके पास ऐसे एक से अधिक स्थान हैं तो सभी स्थानों पर।

2. जो उपधारा 2 के उपबंधों के अनुपालन के प्रति विफल रहता है तो उसे दंडित किया जाएगा जिसका अर्थदण्ड 1000 रुपये तक बढ़ाया जा सकता है। यदि वह लगातार विफल रहता है तो प्रथम दिन के परचातु प्रत्येक दिन के लिए 1000 रुपये तक अतिरिक्त अर्थदण्ड बढ़ सकता है जिस अवधि में वह विफल रहता है।

7. धारा 40 का संशोधन :—मूल अधिनियम की धारा 40 में संशोधनों के स्थान पर, कोष्ठक व शब्द "500 रुपये (पांच सौ)" "1000 रुपये (एक हजार रुपये)" संशोधित, अंक कोष्ठक तथा "5000 रुपए (पांच हजार रुपये)" और "10000 रुपये (दस हजार रुपये)" क्रमशः स्थापित किए जाएंगे।

8. अनुसूची का संशोधन :— मूल अधिनियम के साथ संलग्न अनुसूची के स्थान पर निम्नलिखित प्रतिस्थापित की जाएगी।

#### अनुसूची

1. जिन होम्योपैथिक डाक्टर ने किसी राज्य या संघ राज्य क्षेत्र स्थित किसी होम्योपैथिक संस्था से परीक्षा उत्तीर्ण की हो यशस्वी कि पंजीकरण के प्रयोजन के लिए ऐसी संस्था राज्य सरकार द्वारा मान्यता प्राप्त हो।

2. ने होम्योपैथिक डाक्टर जो केन्द्रीय होम्योपैथिक परिषद अधिनियम, 1973 के उपबंधों के अनुसार मान्य चिकित्सा योग्यता रखते हैं।

(केन्द्रीय अधिनियम संख्या 59, 1973)

आर. टी.एल. डिमूज, अवर सचिव (विधायी कार्य)

#### DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS NOTIFICATION

Delhi, the 28th November, 1996

No. F. 13(11)/96-LA/337:—The following Act of Legislative Assembly received the assent of the Lt. Governor of Delhi on 26th November, 1996, and is hereby published for general information :

#### DELHI HOMEOPATHIC (AMENDMENT) ACT, 1996 (Delhi, Act No. 11 of 1996)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi, 28-11-1996)

An act further to amend the Delhi Homeopathic Act, 1956.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-Seventh year of the Republic of India as follows :—

1. Short title and commencement.—(i) This Act may be called the Delhi Homeopathic (Amendment) Act, 1996.

(ii) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Delhi Homeopathic Act, 1956 (hereinafter referred to as the principal Act), (Act No. 11 of 1956), in sub-section (1), for clause (f), the following shall be substituted, namely :—

"(f) 'practitioner' means a person who possesses the qualifications mentioned in the Schedule and is eligible to have his name entered in the register under section 24;"

3. Amendment of section 3.—In section 3, of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Board shall consist of nine members and shall be constituted in the following manner namely :—

- (a) four members, who possess any of the qualifications mentioned in the Schedule to this Act and are elected

by the registered practitioners from amongst themselves;

- (b) two members who are registered practitioners and are nominated by the State Government;
- (c) one member nominated by the State Government from amongst the Principals or other teaching faculty members of Homeopathy Medical Colleges in the National Capital Territory of Delhi;
- (d) the Director or Additional Director, or any other officer as many be specified by the State Government dealing with the Indian System of Medicine, of the Government of National Capital Territory of Delhi, to be nominated by the State Government; and
- (e) one Member of the Legislative Assembly of the National Capital Territory of Delhi to be nominated by the State Government."

4. Amendment of section 9.—In section 9 of the principal Act, in sub-section (1), in clause (a), for the words "three consecutive ordinary meetings" the words "five consecutive ordinary meetings" shall be substituted.

5. Amendment of section 24.—In section 24 of the principal Act, after sub-section (4), the following new sub-section (5) shall be inserted, namely :—

"(5) Any person who makes an application for entry of his name in the register under sub-section (1) shall be required to submit an affidavit to the effect that he has not applied for registration in any other State or Union Territory and that if his name was registered with any other State or Union Territory at any time, he shall also submit a certificate of cancellation issued by the Board or any other competent authority of that State or Union Territory, as the case may be, alongwith his affidavit."

6. Insertion of new sections 37A and 37B.—After section 37 of the principal Act, the following new sections 37A and 37B shall be inserted, namely :—

"37A Only registered practitioner to practice. (1) No person other than a registered practitioner shall practice in the Homeopathy System of Medicine in the National Capital Territory of Delhi.

- (2) If any person whose name is not for the time being entered in the register, or falsely represents that he is so entered, he shall on conviction be punished with a fine which may extend to one thousand rupees.

37B Display of registration certificate. (1) Every registered practitioner shall be given a certificate of registration in the prescribed form. The registered practitioner shall display the certificate of registration in a conspicuous part in the place of practice and if he has more than one such place, in each such place.

- (2) Whoever fails to comply with the provisions of section (2) shall be liable to be punished which may extend to one thousand rupees and in the case of continuing failure with an additional fine which may extend to one hundred rupees for every day during which he has persisted in the failure.

7. Amendment of section 40.—In section 40 of the principal Act, for the abbreviations, figures, brackets, words "Rs. 500 (five hundred)" and "Rs. 1000 (one thousand)", the abbreviations, figures, brackets and words "Rs. 5000 (rupees five thousand)" and "Rs. 10,000 (ten thousand)" respectively shall be substituted.

8. Amendment of Schedule.—For the Schedule to the principal Act, the following Schedule shall be substituted:

#### SCHEDULE

- (i) Homeopaths who have passed an examination in any Homeopathic institutions in any State or Union Territory, provided that for the purpose of registration such an institution is recognised by the State Government.
- (ii) Homeopaths who are holding recognised qualifications as per the provisions of the Homeopathy Central Council Act, 1973 (Central Act No. 59 of 1973)."

R.T.L. D'SOUZA, Under Secretary